THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No : 18956 of 2005

Dated: 25-08-2005

Between:

Bokka Sai Reddy, S/o.Raji Reddy,

Aged about 33 years, Occ: Agriculture,

R/o. Girmapur Village, Medchal Mandal,

R.R.District.

Petitioner…

And

The Mandal Revenue Officer,

Medchal Mandal,

Ranga Reddy District.

Respondent…

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ORDER:

This writ petition is filed seeking Writ of *Mandamus* to declare the action of the respondent, Mandal Revenue Officer, in attempting to dispossess the petitioner from the land, situated in Survey No.589 admeasuring Ac.0.17 guntas of Gowdavelly Village, Medchal Mandal, Ranga Reddy District, without following due process of law and without considering the explanation submitted by him to the show cause notice dated 21-03-2005, as illegal and arbitrary and for a consequential direction to the respondent not to take any coercive steps.

The claim of the petitioner is that he is the absolute owner and possessor of the land in question. He purchased the same from its lawful owners by virtue of a

registered sale deed bearing document No.990/97 dated 14-03-1997.
Ever since its purchase, he has been in continuous peaceful possession and enjoyment of the same.

The main grievance of the petitioner in this writ petition is that he was issued a notice, dated 21-03-2005 in Form-I under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977, to show cause as to why he should not be evicted from the land in question on the ground that the land was assigned in contravention of the provisions of Sub Section (2) of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner states that he submitted his explanation dated 21-04-2005 to the show cause notice dated 21-03-2005. Without considering the explanation submitted by the petitioner and passing any orders thereon, and without following the due process of law, the respondent has been frequently visiting the land in question and threatening to dispossess him.

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue and perused the material on record.

Having considered the facts and circumstances of the case, and without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent, Mandal Revenue Officer, to pass appropriate orders on the explanation dated 21-04-2005 submitted by the petitioner, after affording reasonable opportunity to rebut the allegations, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
Till such time, respondent is directed not to interfere with the possession and enjoyment of the land in question without following due process of law.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 25-08-2005

LSK/DSK